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By:

Veronica Weinstein

PATENT

Customer No. 22,852

Attorney Docket No. 09314-0004-00000



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

PALME et al.

Group Art Unit: 2878

Application No.: 09/806,704

Examiner: Stephen K. Yam

Filed: June 27, 2001

Confirmation No. 5952

For: SYSTEM AND METHOD FOR
MONITORING THE PERFORMANCE OF
DENSE WAVELENGTH DIVISION
MULTIPLEXING OPTICAL
COMMUNICATIONS SYSTEMS

Mail Stop AMENDMENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), Commissioner is hereby authorized to charge a fee of \$180.00 to our Deposit Account No. 06-0916, as specified by Section 1.17(p).

Documents B-S listed in this Information Disclosure Statement were cited in the counterpart European Patent No. EP 1 135 707 enclosed herewith. Copies of the listed documents are attached.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

German Patents No. 2 437 253 and No. 19 816 612 are not in English. In lieu of a statement of relevance or translation of the non-English documents, a copy of the counterpart European Patent No. EP 1 135 707, listing these German patents on the front page, is enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

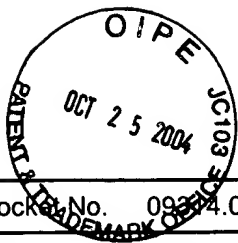
If there is any additional fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 25, 2004

By: 

Gary J. Edwards
Reg. No. 41,008



OMB No. 0651-0011

INFORMATION DISCLOSURE CITATION

Atty. Docket No. 09304.0004-00000	Appln. No. 09/806,704
Applicant PALME et al.	
Filing Date 06/27/2001	Group: 2878

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

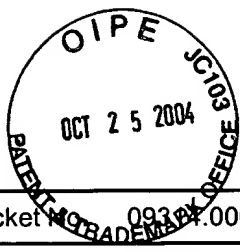
Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	A	2,922,331	Jan. 26, 1960	Fastie	
	B	3,917,407	Nov. 4, 1975	Newstead	
	C	3,936,191	Feb. 3, 1976	Chupp	
	D	4,025,196	May 24, 1977	Chupp et al.	
	E	4,299,488	Nov. 10, 1981	Tomlinson, III	
	F	5,396,361	Mar. 7, 1995	Sasaki et al.	
	G	5,420,416	May 30, 1995	Iida et al.	
	H	5,532,818	Jul. 2, 1996	Tokumoto	
	I	5,812,262	Sep. 22, 1998	Ridyard et al.	

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ^{VI}
		Country Code ^{III} Number ^{IV} Kind Code ^V (if known)				
	J	EP 0 855 811 A2	Jul. 29, 1998	GPT Limited		
	K	EP 0 859 249 A1	Aug. 19, 1998	Photonetics		
	L	EP 1 135 707 B1	Sep. 26, 2001	Tektronix Munich GmbH		No
	M	DE 2 437 253	May 15, 1975	Jenoptik Jena GmbH		No
	N	DE 19 816 612 A1	Oct. 21, 1999	Bandemer et al.		No

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce

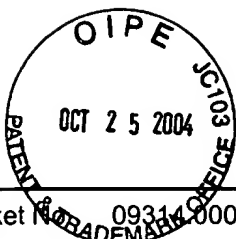


INFORMATION DISCLOSURE CITATION

Atty. Docket No. 09334-0004-00000	Appln. No. 09/806,704
Applicant PALME et al.	
Filing Date 06/27/2001	Group: 2878

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
	O	AMRANI A et al.: "Degradation surveillance module for optical transport networks," Conference Proceedings. LEOS '98. 11 th Annual Meeting. IEEE Lasers and Electro-Optics Society 1998 Annual Meeting (CAT. No. 98CH36243), Conference Proceedings. LEOS'98. 11 th Annual Meeting. IEEE Lasers and Electro-Optics Society 1998 Annual Meeting, Or, December 1, 1998, pp. 289-290, Vol. 1, Piscataway, NJ, USA IEEE, USA ISBN: 0-7803-4947-4	
	P	AMRANI et al. "Optical Monitoring System for Scalable All-optical networks," Conference Proceedings. LEOS '97, 10 th Annual Meeting. IEEE Lasers and Electro-optics Society 1997 Annual Meeting. IEEE Lasers and Electro-Optics Society 1997 Annual Meeting. LEOS '97. 10 th Annual Meeting, November 10, 1997, pp. 270-271, Vol. 2, XP002134592 1996, New York, NY, USA, IEEE, USA ISBN: 0-7803-3895-2	
	Q	ASAHI K. et al. "Optical Performance Monitor Built into EDFA Repeaters for WDM Networks," OFC '98, Optical Fiber Communication Conference and Exhibit, Technical Digest, Conference Edition. 1998 OSA Technicl Digest Series Vol. 2 (IEEE CAT No.98CH36177), OFC '98 Optical Fiber Communication Conference and Exhibit. pp. 318-319, XP002134593 1998, Washington, DC, USA, Opt. Soc. America, USA ISBN: 1-55752-521-8	
	R	BERGER M. et al. "Pan-European Optical Networking Using Wavelength Division Multiplexing" IEEE Communications Magazine, US, IEEE Service Center, Piscataway, NJ, Vol. 35, No. 4, April 1, 1997, pp. 82-88, XP00693608 ISSN: 0163-6804	
	S	BISCHOFF M et al.: "Operation and Maintenance for an All-optical Transport Network," IEEE Communications Magazine, US, IEEE Service Center, Piscataway, NJ, Vol. 34, No. 11, November 1996, pp. 136-142 XP000636137 ISSN: 0163-6804	
	T	FASTIE, "Ebert Spectrometer Reflections," <i>Physics Today</i> , pp. 37-43 (January 1991).	
	U	FASTIE, "A Small Plane Grating Monochromator," <i>Journal of the Optical Society of America</i> , Vol. 42, No. 9, pp. 641-647 (September 1952).	
	V	Response to Examination report filed in corresponding European Application No. 99 950 610.8 on August 7, 2002.	Yes
	W	"Analytical Emission Spectroscopy" edited by E.L. GROVE, Section 4 by R.M. Barnes and R.F. Jarrell "Gratings and Grating Instruments," New York, M. Dekker, pp. 255-309 (1971).	

Examiner	Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	
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Atty. Docket No. 09314 0004-00000	Appln. No. 09/806,704
Applicant PALME et al.	
Filing Date 06/27/2001	Group: 2878

ⁱ Applicant's unique citation designation number (optional).

ⁱⁱ See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

ⁱⁱⁱ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

^{iv} For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

^v Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.

^{vi} Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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